IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 16987 of 2004(V)

PETITIONER:

SATHEESAN, AGED 34 YEARS,
S/O. MALATHI AMMA, MALLAPPILLY, KORATTIKARA,
KADAVALLOOR, THALAPPILLY TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.S.U.NAZAR
SRI.MANSOOR.B.H.
SRI.C.M.RAFEEQ
SRI.P.M.HARIS (POOTHULIL)

RESPONDENTS:

1. **THE KADAVALLOOR PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY,
   KADAVALLOOR, THRISSUR DISTRICT.

2. **THE REVENUE DIVISIONAL OFFICER,**
   THRISSUR

3. **THE DEPUTY CONTROLLER OF EXPLOSIVES,**
   SASTHRIBHAVAN, CHENNAI.

4. **THE DIRECTOR, MINE SAFETY,**
   OONGAUM REGION, OONGAUM P.O., KORAR GOLD FIELD,
   KARNATAKA 563120.

5. **THE DIRECTOR MINING AND GEOLOGY,**
   ST.JOSEPH'S BUILDING, THIRUVANANTHAPURAM.

6. **THE POLLUTION CONTROL BOARD,**
   THIRUVANANTHAPURAM.

7. **JOSE K.FRANCIS, KUTTIKKATTU,**
   ARISTO ROAD, THRISSUR.

8. ANIL KUMAR, MAMPILLY,
HARISREE NAGAR, POOKKUNNAM, THRISSUR.

9. THE SUPERINTENDENT OF POLICE,
THRISSUR DISTRICT.

BY ADV. SRI.SAJEESH.K.B., ADDL.CGSC
SRI.JOBI JOSE KONDODY
SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
SRI.S.KRISHNAMOORTHY, ADDL.CGSC
SRI.DEEPU THANKAN
SMT.DEEPA DEEPU THANKAN
SRI.K.J.MOHAMMED ANZAR
SRI.JOHN VARGHESE, SCGSC
BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.16987/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPORT APPEARED IN MATHRUBHOOMI DAILY, DT.8.1.04.

EXT.P2:- COPY OF THE REPORT PUBLISHED IN THE MATHRUBHOOMI DAILY DT.14.1.04.

EXT.P3:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER & OTHER LOCAL RESIDENTS BEFORE THE 2ND RESPONDENT DT.9.3.04.

ANNEXURE R6(a):- COPY OF THE 'CONSENT TO OPERATE' ISSUED BY THE BOARD TO THE 8TH RESPONDENT.

ANNEXURE R6(b):- COPY OF THE NOTIFICATION NO.PCB/T1/17/80 DT.30.4.98 ISSUED BY THE BOARD TO THE 8TH RESPONDENT.

ANNEXURE R6(c):- COPY OF THE ORDER NO.PCB/ TSR/AIR/16/97 DT. 15./10.03 ISSUED BY THE BOARD TO THE 7TH RESPONDENT.

ANNEXURE R6(d):- COPY OF THE NOTICE BEARING NO.PCBTSR/AIR/16/97 DT.3.7.04 ISSUED BY THE BOARD TO THE 8TH RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R7A:- COPY OF THE FORM 22 LICENCE ISSUED FROM THE 3RD RESPONDENT'S OFFICE WHICH IS VALID TILL 31.3.06.

EXT.R7B:- COPY OF THE LEASE AGREEMENT EXECUTED BETWEEN STATE AND MY CONCERN.

ET.R7C:- COPY OF THE MINES MATE CERTIFICATE ISSUED BY THE 4TH RESPONDENT.

EXT.R7D:- COPY OF THE CONSENT RENEWAL ORDER ISSUED BY THE POLLUTION CONTROL BOARD, VALID UPTO 31.12.05.

EXT.R7E:- COPY OF THE JUDGMENT IN WP(C) NO.8129/04, SR.18.3.04 OD RHIA HONOURABLE COURT.

EXT.R7F:- COPY OF THE JUDGMENT IN WP(C) NO.1716/04 AND WP(C) NO.4126/04 OF THIS HONOURABLE COURT, DT.

EXT.R7G:- COPY OF THE INQUIRY REPORT PF THE R.D.O. SUBMITTED BEFORE THE DIVISION BENCH OF THIS HONOURABLE COURT, DT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C). NO. 16987 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioner approached this Court alleging that the 7th respondent has been functioning a quarry unauthorizedly. Learned counsel for the 7th respondent submits that he is operating the quarry only with due licence. It is also brought to the notice of this Court that there is a finding to that effect in the judgment in W.A. No. 707/2004 dated 07.03.2006. Therefore, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

smp